S.B.Civil Writ Petition NO.667/2005

Shubham Constructions Engineers & Contractors

vs

State of Rajasthan & Anr.

DATE OF ORDER : - 1.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. T.S.Champawat, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 27th July, 2002 by which the petitioner's contract, which was awarded to the petitioner has been rescinded and a penalty of 10% amounting to Rs.1,53,809/- has been imposed upon the petitioner.

According to learned counsel for the petitioner, there was no fault of the petitioner in execution of the work, but because of the situations, which were beyond control of the petitioner, the petitioner could not complete the work. There was objection of the forest department and that department did not issue any no objection certificate when the petitioner could not have completed the work.

After going through the facts of the case, it is clear that the work contract was awarded to the petitioner as back as on 19th July, 2002. He was to complete the work by 28th July, 2002. Admittedly, the work has not been completed till 27th July, 2002 and, therefore, the work contract was rescinded. The petitioner has challenged the impugned order dated 27th July, 2002 after inordinate delay, that too, by raising several disputed questions of facts in the writ petition.

Therefore, I do not find any merit in the writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-